



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ATLANTIC RECORDING CORPORATION,

Plaintiff,

- v -

BCD MUSIC GROUP, INC. and MIXTRAP LLC,

Defendants.
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08 Civ. 5201 (CWHP)

PRELIMINARY INJUNCTION ORDER
AGAINST BCD MUSIC GROUP, INC.

Upon the Complaint with attached exhibits, the moving Declarations with attached exhibits and the Memorandum of Law In Support of Motion for Preliminary Injunction and Expedited Discovery, and upon consent of Defendant BCD Music Group, Inc., it is hereby:

I. ORDERED that Defendant BCD Music Group, Inc. and its agents, servants, employees, and attorneys and those persons in active concert or participation with it ("BCD") are hereby preliminarily enjoined pending further order of this Court or written agreement of the parties:

- A. From using the professional names and likenesses of the recording artists Al Gernod L. Washington p/k/a "Plies" ("Plies") or Radric Davis p/k/a "Gucci Mane" ("Gucci Mane") in connection with unauthorized recordings made by or of such recording artists including an album titled *Definition of Real* and *No Pad No Pencil*;
- B. From using any logo, trade name, trademark or service mark, which may

be calculated to falsely represent or which has the effect of falsely representing that the goods of BCD are sponsored by, authorized by, or in any way associated with Plaintiff, or any recording artists known by BCD to be signed to Plaintiff or its affiliates, including “Plies,” and/or “Gucci Mane”;

- C. From using the name *Real Definitions*, or any confusingly similar name, including a name containing the word “Real,” as the name of an album containing recordings made by or of the artist Plies;
- D. From reproducing, distributing, publicly performing by digital audio transmission, or preparing derivative works of the sound recording “Freaky Girl” or any other sound recording by or of the artist Plies or Gucci Mane, including the albums *Real Definition* and *No Pad No Pencil*;
- E. From reproducing, distributing, publicly performing by digital audio transmission, or preparing derivative works of any other sound recording known by BCD to be owned by or exclusively licensed to Plaintiff or any of its affiliates without express written authority from Plaintiff or the appropriate affiliate;
- F. Paragraphs B and E above shall only apply to albums first manufactured, distributed or publicly performed by digital audio transmission by BCD after the date of this Order. For purposes of this order, BCD will be deemed to have knowledge that an artist is signed to Plaintiff or its affiliates, or that Plaintiff or its affiliates have rights to the artist’s recordings (i) if the artist’s name appears on Atlantic’s or its affiliates

websites, links to which may be found at www.wmg.com; or (ii) if BCD has actual knowledge of such facts; or (iii) if Plaintiff or its affiliates can prove that BCD did not take reasonable steps to ascertain whether Atlantic or its affiliate have rights in connection with such artist.

II. Requiring Defendant BCD and its parents, affiliates, subsidiaries, officers, agents, servants and employees, and all persons acting in concert with them:

- A. Deliver to Plaintiff's counsel within five business of the date of this order a list of all persons and entities who received a copy/copies of *No Pad No Pencil* and *Real Definitions* albums together with all known contact information for such persons/entities and the number of copies of *No Pad No Pencil* and *Real Definitions* provided to each such person or entity;
- B. Distribute the corrective letter in the form of Exhibit B to all persons or entities who received any copies of *No Pad No Pencil* and *Real Definitions* for the purposes of resale;
- C. Deliver to Plaintiff ^{or destroy} any and all copies of compact discs, cassettes or other medium of *No Pad No Pencil* and *Real Definitions* and all signs, labels, packaging materials, advertising materials, and other materials used to promote same;


U.S.D.J.

Issued: June 12, 2008

EXHIBIT A

[contact]

[address]

Re: Copyright and Trademark Infringement

Dear _____,

Pursuant to an Order of The United States District Court for the Southern District of New York, we are writing to inform you that the following Albums MUST immediately be removed from sale and returned to us. Your failure to comply may subject you to liability for copyright infringement and trademark infringement.

Real Definitions by Plies

No Pad No Pencil by Gucci Mane